

**ORDER PURSUANT TO THE DECLARATION OF DISASTER AND EMERGENCY
BOROUGH OF BEACH HAVEN EO-2020-3**

**TO ALL RESIDENTS AND PERSONS WITHIN THE MUNICIPALITY OF THE
BOROUGH OF BEACH HAVEN IN THE COUNTY OF OCEAN AND STATE OF NEW
JERSEY AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF
THE BOROUGH OF BEACH HAVEN**

WHEREAS, on March 24, 2020, as a result the Novel Coronavirus Disease 2019 ("COVID-19") pandemic caused by the SARS-CoV-2 virus and pursuant to the powers vested by Chapter 251 of the Public Laws of 1942, as amended and supplemented, N.J.S.A. App. A: 9-30, et seq., N.J.S.A. 40:48-1, et seq., and all applicable statutory law and regulations, as well as Chapter 154 of the Borough Code, the Director of Public Safety and Emergency Management Coordinator authorized and declared that a local disaster/emergency exists within the Borough of Beach Haven ("Borough");

WHEREAS, the aforesaid laws and declaration of emergency authorize the promulgation of such orders, rules, and regulations as are necessary to meet the various problems which have or may occur due to such an emergency, and

WHEREAS, the Borough's year-round/off-season population is most recently estimated at approximately 1170 and the year-round/off-season population of the region is starkly lower than the peak summer season; and

WHEREAS, there is one (1) local hospital with approximately 176 beds servicing the entire region; and

WHEREAS, there is one (1) full-service grocery store located in the Borough and the regional infrastructure and resources are staffed and geared during this offseason to providing sufficient resources only to the region's year-round residents; and

WHEREAS, during the summer tourist season, even with the influx of employees and resources, the infrastructure and resources are directed to establishing the region as a premier family vacation destination and, as such are insufficient to meet the needs of an emergency such as the Covid-19 pandemic with any influx of non-full-time residents; and

WHEREAS, there is a standing State declaration of emergency and Executive Order 107, which orders the public to remain in home isolation except for certain, limited exceptions; and

WHEREAS, the Borough cannot properly protect the public health, welfare, and safety at this time if there is any influx of non-resident visitors; and

WHEREAS, the evidence establishes that other regions in this State and the greater metropolitan areas of New York and Philadelphia are experiencing a significant increase in the number of persons infected with and succumbing to Covid-19; and

WHEREAS, the Borough and region have also experienced significant increases in the number of persons infected and succumbing to Covid-19; and

WHEREAS, public health experts have strongly recommended that in order to seek to contain the pandemic and slow the spread of Covid-19, citizens should remain at their primary residence as much as possible and the State has imposed the aforesaid restrictions in order to follow the public health experts' recommendations; and

WHEREAS, restrictions have been put in place in an effort to protect the public health, welfare, and safety, and in an effort to "flatten the curve" to protect all members of the healthcare profession and all first responders who are on the frontline of the epidemic, as well as the workers continuing to work who are deemed essential and who are providing the public with the necessities of life; and

WHEREAS, in order to comply and assist with the ongoing efforts at home isolation in one's primary residence, and to "flatten the curve," to ensure that the region's infrastructure and necessary resources during this time are not depleted, to ensure that the local healthcare infrastructure, including the local hospital, is not overwhelmed and can provide proper service to all in the region, to ensure that the region's first responders are not overwhelmed by the pandemic, and to ensure that essential workers can continue to support the day-to-day life in the Borough, the Borough has determined that it is necessary to declare temporary and immediate restrictions on the rental of properties located in the Borough; and

WHEREAS, it is submitted that the restrictions are necessary requirements for the compelling reason to protect the Borough's residents and non-residents, i.e., the entire public, as any significant influx of temporary residents and visitors is likely to overwhelm the healthcare professionals, healthcare infrastructure, the first responders, the workers deemed essential and on the front lines providing the public with essential services, and the necessary day-to-day resources needed for those living in the region; and

WHEREAS, the evidence establishes the health, welfare, and safety of non-residents is better served by their staying in their primary residence communities and that their maintenance of their primary residence is more consistent and in compliance with Executive Order 107, as well as the recommendations of the public health experts; and

WHEREAS, this action is not taken lightly, given the private property and other rights of the local owners, who the Borough considers to be integral members of this family, this community, and this region, and who have assisted in making the Borough the community and destination it is today and will continue to be in the future.

NOW, THEREFORE, in accordance with the aforesaid laws and aforementioned recitals, which are incorporated herein by reference, it is on this 23rd day of April, 2020, **DECLARED AND ORDERED** that until further Order of the Borough that:

A. The short-term rental of residential properties in the Township, defined as twenty-one (21) days or less, is hereby prohibited and no rental agreements or arrangements of any kind, whether or not consideration is exchanged, shall be made by and between owners of residential property and any third parties in the Borough for any occupancy of the properties between the date of this Order and May 15, 2020, or when the State rescinds restrictions in Executive Order 107, whichever occurs sooner; and

B. All rental arrangements as aforesaid that are presently in effect are subject to the terms of this Order, and, therefore, are hereby declared terminated by operation of this Order; and

C. No owners shall be permitted to rent to third parties and no third parties shall be permitted to rent and/or occupy residential properties pursuant to any rental arrangement as aforesaid between the date of this Order and May 15, 2020; and

D. Each day of rental and/or occupancy as aforesaid shall be considered a separate violation; and


E. Consistent with Executive Order 107, nothing set forth this Order shall be construed to bar or preclude owners and their immediate family members, caretakers, household members, or romantic partners from occupying the owner's residential properties during the duration of this Order; and

F. This Order shall not apply to non-residential properties (hotels and motels); and

G. The Emergency Management Coordinator and the Borough Police Department shall be charged with the enforcement of the terms of this Order; and

H. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, and the Borough Code.

Dated: 4/23/20



NANCY TAGGART DAVIS
MAYOR

Dated: 4/23/20



WILLIAM E. TROMM
EMERGENCY MANAGEMENT COORDINATOR